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EXAMINER

MOORTHY, ARAVIND K

ART UNIT PAPER NUMBER

2131

DATE MAILED: 01/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/679,916

Applicant(s)

ELLINGSON, ROBERT E.

Examiner

Aravind K Moorthy

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 October 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. Claims 1-26 are pending in the application.
2. Claims 1-26 have been rejected.

#### ***Response to Amendment***

3. The examiner approves the new title. The title of the invention is descriptive. The title is clearly indicative of the invention to which the claims are directed.
4. The examiner approves the new abstract. The abstract no longer exceeds the 150-word limit.
5. The examiner approves the amendment made to the specification. No new matter has been added.
6. The examiner approves the amendment made to claim 3. The word "signaling" is no longer misspelled.

#### ***Response to Arguments***

7. Applicant's arguments with respect to claims 1-26 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

**8. Claims 1-4, 11-21 and 23-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Reiche U.S. Patent No. 6,092,196.**

As to claim 1, Reiche discloses a method of verifying the identity of a registered user comprising:

(a) obtaining a list of at least two identity verifiers, each identity verifier to be used for no more than one transaction [column 5, lines 12-31];

(b) linking the identity verifiers on the list to at least one unique numerical identifier wherein the unique numerical identifier is associated with the registered user, the registered user selected from a group consisting of persons and entities [column 5, lines 32-42];

(c) receiving a numerical identifier from a requesting party [column 5, lines 32-42];

(d) receiving an identity verifier from a requesting party [column 5, lines 43-53];

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(e) determining whether the received identity verifier is within the list of identity verifiers linked to the received numerical identifier [column 5 line 54 to column 6 line 20]; and

(f) communicating information to the requesting party indicating whether the received identity verifier is within the list of identity verifiers linked to the received numerical identifier [column 6, lines 26-36].

As to claim 2, Reiche discloses that the communicating information step signals that the received identity verifier has not been used before and is within the list of identity verifiers linked to the received numerical identifier by sending a verification transaction identifier to the requesting party [column 8 line 47 to column 9 line 12].

As to claim 3, Reiche suggests determining whether the identity verifier received from the requesting party has been used before. Reiche suggests communicating information to the requesting party signaling whether the identity verifier has been used before [column 9, lines 27-37].

As to claim 4, Reiche suggests the step of archiving the identity verifier and the verification transaction identifier [column 10 line 50 to column 11 line 11].

As to claim 11, Reiche discloses receiving a uniqueness suffix and wherein the determining step comprises determining whether the received identity verifier is within the list of identity verifiers linked to the received numerical identifier and the received uniqueness suffix [column 9, lines 38-56].

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As to claim 12, Reiche suggest discloses the steps of receiving a numerical identifier. Reiche suggests receiving an identity verifier and communicating information to the requesting party are performed by voice communications over a phone line [column 11, lines 25-44].

As to claim 13, Reiche discloses that the steps of receiving a numerical identifier, receiving an identity verifier and communicating information to the requesting party are performed through electronic communication through a wide area network [column 8, lines 3-33].

As to claim 14, Reiche discloses a method of determining whether an identity verifier is required to be submitted in a particular transaction comprising the steps of:

- (a) obtaining a list of at least two identity verifiers, each identity verifier to be used for no more than one transaction [column 5, lines 12-31];
- (b) linking the list of identity verifiers to at least one unique numerical identifier wherein the numerical identifier is associated with a registered user selected from a group consisting of persons and entities [column 5, lines 32-42];
- (c) creating categories of transactions [column 3, lines 6-9];
- (d) receiving instructions from the registered user designating the categories of transactions that require an identity verifier and designating the categories of transactions that do not require an identity verifier [column 3, lines 10-22];
- (e) receiving a numerical identifier from a requesting party [column 5, lines 32-42];

(f) receiving information from the requesting party specifying the type of transaction occurring [column 5, lines 32-42];

(g) determining whether the transaction requires the use of an identity verifier [column 5, lines 32-42]; and

(h) communicating information to the requesting party wherein the information communicated indicates whether an identity verifier is required for the specified transaction [column 6, lines 26-36].

As to claim 15, Reiche discloses an identity verification system for verifying the identity of a registered user, the system comprising:

(a) a database for storing information pertaining to a registered user selected from a group consisting of persons and entities, wherein the database is configured to receive at least one unique numerical identifier associated with the registered user and at least two identification verifiers associated with the registered user, each identification verifier to be used for no more than one transaction [column 5, lines 12-31];

(b) an input module for inputting at least one numerical identifier associated with a registered user and at least two identification verifiers associated with a registered user into the database so that the at least one numerical identifier is linked to the at least two identification verifiers [column 5, lines 32-42];

(c) a communications module for two way communications for receiving a numerical identifier and an identification verifier from a requesting party, and for communicating a message to the requesting party relating to whether the received

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identification verifier is one of the identification verifiers linked to the received numerical identifier and if the identification verifier has been used before [column 5, lines 32-42];

(d) a processor module for comparing the numerical identifier and identification verifier received by the communications module with the information in the database to determine whether the received identification verifier is one of the identification verifiers linked to the received numerical identifier and if the identification verifier has been used before [column 5 line 54 to column 6 line 20].

As to claim 16, Reiche discloses that the database and the processor module are contained within a single computer [column 8, lines 3-33].

As to claim 17, Reiche discloses that the input module is a keyboard [column 8, lines 3-33].

As to claim 18, Reiche discloses that the communications module is a serial port and a modem [column 8, lines 3-33].

As to claim 19, Reiche discloses that the communications module is a network adapter [column 8, lines 3-33].

As to claim 20, Reiche discloses a remote terminal for communicating with an identity verification system, the remote terminal comprising:

(a) an input module for inputting a numerical identifier and an identification verifier [column 5, lines 32-42];



(b) a communications module for sending the numerical identifier input with the input module and the identification verifier input with the input module to a remotely located system storing a plurality of numerical identifiers and at least two identity verifiers linked with each numerical identifier, and for receiving a message from the remotely located system indicating whether the numerical identifier input with the input module is linked to the identification verifier input with the input module, and whether the identification verifier has been used before, the communications module also configured to receive from the remotely located system a verification transaction identifier and a security message linked with the identification verifier [column 5, lines 32-42]; and

(c) an output module for reporting the messages received by the communications module from the remote system; wherein each numerical identifier stored by the remotely located system is associated with a registered user selected from a group consisting of persons and entities [column 4 line 50 to column 5 line 11].

As to claim 21, Reiche discloses that the input module comprises a keypad [column 8, lines 3-33].

As to claim 23, Reiche discloses that the output module comprises a display screen [column 8, lines 3-33].

As to claim 24, Reiche discloses that the output module comprises a monitor [column 8, lines 3-33].

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As to claim 25, Reiche discloses a computer program storage medium readable by a computing system and encoding a computer program of instructions for executing a computer process for verifying the identity of a registered user, the computer process comprising:

- (a) storing at least two identity verifiers in a database, each identity verifier to be used for no more than one transaction, as discussed above;

- (b) storing at least one unique numerical identifier associated with the registered user in a database, wherein the at least two identity verifiers are linked to the at least one numerical identifier, the registered user selected from a group consisting of persons and entities, as discussed above;

- (c) receiving a numerical identifier, as discussed above;

- (d) receiving an identity verifier, as discussed above;

- (e) comparing the received numerical identifier and received identity verifier to the stored numerical identifier and stored identity verifiers to determine whether the received identity verifier is one of the identity verifiers linked to the received numerical identifier, as discussed above; and

- (f) communicating information to the requesting party indicating whether the received identity verifier is one of the identity verifiers linked to the received numerical identifier, and whether the identity verifier has been used before, as discussed above in rejection of claim 1.

As to claim 26, Reiche discloses a method of verifying the identity of a registered user comprising:

(a) obtaining a list of at least two identity verifiers, each identity verifier to be used for no more than one transaction, as discussed above;

(b) linking the identity verifiers on the list to at least one unique numerical identifier wherein the unique numerical identifier is associated with the registered user, as discussed above;

(c) receiving a numerical identifier from a requesting party, as discussed above;

(d) receiving an identity verifier from a requesting party, as discussed above;

(e) determining whether the received identity verifier is within the list of identity verifiers linked to the received numerical identifier, as discussed above;

(f) communicating information to the requesting party indicating whether the received identity verifier is within the list of identity verifiers linked to the received numerical identifier, as discussed above;

(g) determining whether the identity verifier received from the requesting party has been used before, as discussed above; and

(h) communicating information to the requesting party signaling whether the identity verifier has been used before, as discussed above in rejection of claims 1 and 2.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**9. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Reiche U.S. Patent No. 6,092,196 as applied to claim 1 above, and further in view of Kuhns et al U.S. Patent No. 6,047,281.**

As to claim 5, Reiche does not teach storing public information about the registered user whose identity is to be verified. Reiche does not teach creating at least two categories of requesting parties. Reiche does not teach receiving instructions from the registered user regarding what public information is allowed to be released to each of the at least two categories of requesting party. Reiche does not teach determining the category of the requesting party. Reiche does not teach communicating the appropriate public information to the requesting party pursuant to the instructions from the registered user.

Kuhns et al teaches storing public information about the registered user whose identity is to be verified [column 1, lines 22-38]. Kuhns et al teaches creating at least two categories of requesting parties. Kuhns et al teaches receiving instructions from the registered user regarding what public information is allowed to be released to each of the at least two categories of requesting party. Kuhns et al teaches determining the category of the requesting party [column 16, lines 1-46]. Kuhns et al teaches communicating the appropriate public information to the requesting party pursuant to the instructions from the registered user [column 17, lines 24-48].

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Reiche so that there would have been public information stored about the registered user whose identity is to be verified. There would have

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messages regarding what public information is allowed to be released to each of the at least two categories of requesting party. The category of the requesting party would have been determined. The appropriate public information would have been sent to the requesting party pursuant to the instructions from the registered user.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Reiche by the teaching of Kuhns et al because it helps eliminate fraud and protects the general public from individuals with criminal records [column 2, lines 30-50].

**10. Claims 6 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reiche U.S. Patent No. 6,092,196 as applied to claim 1 above, and further in view of Shkedy U.S. Patent No. 6,236,972.**

As to claims 6 and 9, Reiche does not teach that the at least one numerical identifier is a social security number or a phone number.

Shkedy teaches an identifier being a social security number or a phone number [column 13, lines 16-29].

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Reiche so that the numerical identifier would have been the social security number or the phone number of the user.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Reiche by the teaching of Shkedy because both of those numbers are unique and easily remembered [column 13, lines 16-29].

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**11. Claims 7, 8 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reiche U.S. Patent No. 6,092,196 as applied to claim 1 above, and further in view of Gonzalo U.S. Patent No. 6,796,494 B1.**

As to claims 7, 8 and 10, Reiche does not teach that the at least one numerical identifier is a drivers license number, bank account number or a credit card number.

Gonzalo teaches an identifier that can be a drivers license number, bank account number or a credit card number [column 6 line 51 to column 7 line 4].

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Reiche so that the numerical identifier would have been one of a drivers license number, bank account number or a credit card number.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Reiche by the teaching of Gonzalo because the information on these cards have already been set up and established and does not require a user to set up numerical identifiers with the provider [column 6 line 51 to column 7 line 4].

**12. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Reiche U.S. Patent No. 6,092,196 as applied to claim 20 above, and further in view of Henn U.S. Patent No. 5,770,844.**

As to claim 22, Reiche does not teach that the input module comprises a keypad and a magnetic card reader wherein the magnetic card reader receives the numerical identifier and the keypad receives the identification verifier.

Henn teaches an input module that comprises a keypad and a magnetic card reader wherein the magnetic card reader receives the numerical identifier and the keypad receives the identification verifier [column 2, lines 51-62].

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Reiche so that the input module would have comprised a keypad for the identification verifier and a magnetic card reader for the numerical identifier.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Reiche by the teaching of Henn because it provides the user with a portable form of authentication [column 2, lines 51-62].

### *Conclusion*

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aravind K Moorthy whose telephone number is 571-272-3793. The examiner can normally be reached on Monday-Friday, 8:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz R Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Aravind K Moorthy  
January 21, 2005

*Guy J. Lamarie*  
*Primary Examiner*